States v. Schurz, 102 U. S. 393, 394. Although Congress has not given the circuit courts authority to issue such original writs, it has the constitutional power to do so. *Kendall v. United States*, 12 Pet. 524. But that Congress has not exercised this right in the Inter State Commerce Act, see 24 Stat. at L. 379, chap. 104, sec. 12, 16.

MORTGAGES—PRIORITY—RIGHTS OF FIRST MORTGAGEE.—MEAD v. HAMMOND ET AL., 95 N. Y. SUPP. 241.—*Held*, that a mortgage, payable on default of any of the notes it secured, can be held by the first mortgagee (who has taken up all the notes) as against a subsequent mortgagee, although only one note has been defaulted and the others are not due.

Since the provision for foreclosure in case of the defaulting of any note was valid; *Wissner v. Chamberlin*, 117 Ill. 568; *Phillips v. Taylor*, 96 Ala. 426; *Cecil v. Dynes*, 2 Ind. 266; the first mortgagee or his assignee could hold the mortgage for protection against the second mortgagee, a subsequent minor, whose only remedy was to redeem from the first mortgage. *Hasselman v. Nickerman*, 50 Ind. 444; *Knowles v. Robbin*, 20 Iowa 101.

MUNICIPAL CORPORATIONS—CONSTUTIONAL LAW—POLICE POWER—DEPRIVATION OF PROPERTY—EX-PARTE KEKO, 82 PACIFIC 241.—*Held*, that a city ordinance prohibiting the maintenance or operation of any rock or stone quarries within a prescribed portion of the city was not a proper exercise of police power but was void as an unlawful interference with property rights.

When a business is not dangerous to the public health or welfare, it cannot be subjected to the restriction of police legislation. *Sonora v. Curtin*, 137 Cal. 583. The right to acquire property is protected by the Constitution; the right to use property for proper means is necessarily incidental; *Ex parte Newman*, 9 Cal. 517. Police regulations as to usury are valid, as they aim to protect the welfare of the needy, and as such are not an interference with property rights. *Ex parte Sichenstein*, 7 Pacific, 728. Ordinances prohibiting indiscriminate laundering, in public, are valid as such would be a nuisance and deleterious to public health. *Barbie v. Coumly*, 113 U. S. 27. City can prohibit the cultivation of any product, deemed injurious or dangerous to public health. *Green v. City of Savanah*, 6 Georgia, 1. Laws regulating hours of labor in mines are valid as they do not interfere with property rights. *Holden v. Hardy*, 169 U. S. 366. Law compelling mine owners to keep scales are only valid when necessary for the protection of the public. *Millet v. People* 117 Illinois, 294. The above ordinance is apparently too sweeping as quarrying is not usually injurious to the public.

MUNICIPAL CORPORATIONS—STREETS—DELICTS—CONTRACTS—ACTIONS.—CITY OF PAWTUCKET v. PAWTUCKET ELECTRIC CO., 61 ATL. 48 (R. I.).—For use of streets defendant railway company paid city sums of money and in conformity with city ordinances executed a bond regulating their liability for a certain contingency, namely, that if the city had to pay any damages on account of neglect of defendant or its officers and employees, etc., the defendant would repay city such damages. The city did have to pay damages for neglect of defendant and now sues defendant in trespass on the case and not on the bond. *Held*, that such bond determined the rights and respective liabilities of the city and the railway company, and precluded the city from maintaining an action of trespass on the case to recover from defendant such damages.

When party is injured through object in street caused by negligence of